UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/748,343	LI ET AL.
	Examiner	Art Unit	
	Ashley D. Turner	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/29/2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 2-8 10-15,16-20,22, and 23 are objected to because of the following informalities:

In claim 2 line 1 the phrase "wherein the operation" should be replaced by --- wherein an operation ---- in order to improve the clarity of the claim language.

In claim 3 line 1the phrase "wherein the operation" should be replaced by --- wherein an operation ---- in order to improve the clarity of the claim language.

Claim 3 line 1 the phrase "a list " should be replaced by ---the list ---- in order to improve the clarity of the claim language.

Claim 3 line 3 the phrase " each data element" should be replaced by --- each said data element --- in order to improve the clarity of the claim language.

Claim 3 line 5 the phrase " a local version number " should be replaced by ---the local version number---- in order to improve the clarity of the claim language.

Claim 3 line 5 the phrase " each device" should be replaced by --- each said device---- in order to improve the clarity of the claim language.

In Claim 4 line 1 the phrase " a data element" should be replaced by --- the data element --- in order to improve the clarity of the claim language.

In Claim 5 line 2 the phrase " a device" should be replaced by --- the device---- in order to improve the clarity of the claim language.

In Claim 6 line 2 the phrase " a device" should be replaced by --- the device---- in order to improve the clarity of the claim language.

Claim 6 line 3 the phrase " a data element" should be replaced by --- the data element---- in order to improve the clarity of the claim language.

In Claim 7 line 1 the phrase "a list " should be replaced by ---the list ---- in order to improve the clarity of the claim language.

In Claim 8 line 3 the phrase " a global version number" should be replaced by ---- the global version number --- in order to improve the clarity of the claim language.

In Claim 10 line 2 the phrase " a device" should be replaced by --- the device---- in order to improve the clarity of the claim language.

Claim 10 line 4 the phrase " the version number " should be replaced by --- a version number---- in order to improve the clarity of the claim language.

Claim 10 line 6 the phrase " a data element" should be replaced by --- the data element---- in order to improve the clarity of the claim language

In Claim 11 line 2 the phrase " a data element" should be replaced by --- the data
element---- in order to improve the clarity of the claim language.

In claim 12 line 1 the phrase "wherein the operation" should be replaced by ---
wherein an operation ---- in order to improve the clarity of the claim language.

In claim 15 line 1 the phrase "wherein the operation" should be replaced by ---
wherein an operation ---- in order to improve the clarity of the claim language.

  Claim 15 line 1 the phrase "a list " should be replaced by ---the list ---- in order
to improve the clarity of the claim language.

In claim 16 line 1 the phrase "a list " should be replaced by ---the list ---- in order
to improve the clarity of the claim language.

Claim 16 line 4 the phrase " each data element" should be replaced by --- each
said data element --- in order to improve the clarity of the claim language.

In Claim 17 line 2 the phrase " a data element" should be replaced by --- the data
element---- in order to improve the clarity of the claim language.

In Claim 18 line 2 the phrase " a device" should be replaced by --- the device----
in order to improve the clarity of the claim language.

In Claim 19 line 3 the phrase " a device" should be replaced by --- the device----

in order to improve the clarity of the claim language.

In Claim 20 line 2 the phrase " a data element" should be replaced by --- the data

element---- in order to improve the clarity of the claim language.

In Claim 22 line 4 the phrase " the transmitted data element" should be replaced

by ---a transmitted data element---- in order to improve the clarity of the claim

language.

In Claim 23 line 4 the phrase " the transmitted data element" should be replaced

by ---a transmitted data element---- in order to improve the clarity of the claim

language.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in
> public use or on sale in this country, more than one year prior to the date of application for patent in
> the United States.

3. Claims 1-4, 12,14,15,16,17, 21, and 23 are rejected under 35 U.S.C. 102 (b)

as being anticipated by Branson et al hereinafter Branson (US 6,425,126 B1).

Referring to claim 1, Branson discloses a method for tracking a transmission

status of one or more data elements to one or more devices, comprising:

providing a list including one or more devices and one or more data elements

(Col. 3 lines 3-5); processing the list to determine a data elements to transmit to

a device of one of the one or more devices (Col. 3 lines 6-15); and upon

successfully transmitting the data element to the device, adjusting the list so that

the list indicates that the device has received the transmitted data element (Col.

8 lines 45 –50).

Claim 14 is rejected for the same.

Referring to claim 23, Branson discloses a router comprising: a module for

providing a list including one or more devices and one or more data elements

(Col. 3 lines 3-5); a module for processing the list to determine a data element of

said one or more data elements to transmit to a device of one of the one or more

devices (Col. 3 lines 6-15), a module for transmitting the data element to the

device; and a module for adjusting the list so that the list indicates that the device

has received the transmitted data element (Col. 8 lines 45 –50).

Referring to claim 2 discloses all of the limitations of claim 2 which are described above. Branson also discloses "wherein the operation of providing a list includes forming a linked list between the data elements and the devices (Col. 4 lines 31-37).

Claim 15 is rejected for the same.

Referring to claim 3, discloses all the limitations of claim 3 which are described above.

Branson also discloses " wherein the operation of providing a list further comprises: providing a global version number (Col.4 lines 52-59); providing a local version number associated with each device in the list (Col. 19 lines 44-53).

Claim 16 is rejected for the same.

Referring to claim 4, Branson discloses all the limitations of claim 4 which are described above. Branson also discloses " wherein when a data element is added to the list, the local version number associated with the data element is set to a value of an incremental global version number (Col.19 lines 44-53).

Claim 17 is rejected for the same.

Referring to claim 12, Branson discloses all the limitations of claim 12 which are described above. Branson also discloses "wherein the operation of adjusting the list further comprises: repositioning the device within the list adjacent to the data element and closer to an end of the list than the data element. (Col. 3 lines 1-10)

Claim 21 is rejected for the same.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5,6, and18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Branson (US 6,425,126 B1) in view of Kaneko (US 6,505,347 B1)

Referring to claim 5, Branson discloses all the limitations of claim 5 which are described above. Branson did not disclose the limitation of "wherein the local version number associated with a device in the list is set to an initial value of zero". The general concept of the local version number associated with a device in the list is set to an initial value of zero is well known in the art as taught by Kaneko. Kaneko discloses the limitation of " wherein the local version number

associated with a device in the list is set to an initial value of zero "(Col. 22

lines43-46). It would have been obvious to one of ordinary skill in the art at the

time of the invention to modify Branson to include the limitation of the local

version number associated with a device in the list is set to an initial value of zero

in order to update each computer in the network.

Claim 18 is rejected for the same.

Referring to claim 6, Branson discloses all the limitations of claim 6 which are

described above. Branson did not disclose the limitation of " wherein the local

version number associated with a device in the list is set to an initial value of zero

and is reset to the local version number of a data element after the data element

is successfully transmitted to the device." The general concept of the local

version number associated with a device in the list is set to an initial value of zero

and is reset to the local version number of a data element after the data element

is successfully transmitted to the device is well known in the art as taught by

Kaneko. Kaneko discloses the limitation of the local version number associated

with a device in the list is set to an initial value of zero and is reset to the local

version number of a data element after the data element is successfully

transmitted to the device (Col.22 lines 43- 58). It would have been obvious to

one of ordinary skill in the art at the time of the invention to modify Branson to

include the limitation of the local version number associated with a device in the

list is set to an initial value of zero and is reset to the local version number of a

data element after the data element is successfully transmitted to the device in

order to update each computer in the network.

5. Claims 7-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over

Branson (US 6,425,126 B1) in view of D'Souza (5,666,523).

Referring to claim 7, Branson discloses all the limitations of claim 7 which are

described above. Branson did not disclose the limitation of " providing a pointer

to start of the list; and providing a pointer to an end of the list". The general

concept of providing a pointer to start of the list and providing a pointer to an end

of the list is well known in the art as taught by D'Souza. D'Souza discloses, "

providing a pointer to start of the list; and providing a pointer to an end of the

list."(Col.7 lines 51-55). It would have been obvious to one of ordinary skill in the

art at the time of the invention to modify Branson to include " providing a pointer

to start of the list; and providing a pointer to an end of the list" in order to indicate

the beginning and finishing of a list.

Referring to claim 8, Branson discloses the limitation of "adding a data element to

the end of the list; and incrementing the global version number (Col.19 lines 48-

55). Branson did not disclose the limitation of providing a pointer to start of the

list and providing a pointer to an end of the list The general concept of providing

a pointer to start of the list and providing a pointer to an end of the list is well

known in the art as taught by D'Souza discloses, " providing a pointer to start of

the list; and providing a pointer to an end of the list."(Col.7 lines 51-55). It would

have been obvious to one of ordinary skill in the art at the time of the invention to

modify Branson to include " providing a pointer to start of the list; and providing a

pointer to an end of the list" in order to indicate the beginning and finishing of a

list.

Referring to claim 9 Branson discloses the limitation of " adding a device to the

beginning of the list (Abstract lines 6-11). Branson did not discloses the limitation

of providing a pointer to start of the list and providing a pointer to an end of the

list. The general concept of providing a pointer to start of the list and providing a

pointer to an end of the list is well known in the art as taught by D'Souza

discloses, " providing a pointer to start of the list; and providing a pointer to an

end of the list."(Col.7 lines 51-55). It would have been obvious to one of ordinary

skill in the art at the time of the invention to modify Branson to include " providing

a pointer to start of the list; and providing a pointer to an end of the list" in order

to indicate the beginning and finishing of a list.

6. Claims 10,11,13,19,20,22 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Branson (US 6,425,126 B1) in view of Fujiwara (US 6,301,710

B1)

Referring to claim 10, Branson discloses all the limitations of claim 10 which is

described above. Branson also discloses the limitation of "locating a device in

the list which is nearest to a start of the list (Col. 4 lines 30-35); obtaining the

version number for the device (Col. 4 lines 52-63). Branson did not disclose,

"comparing the version number to the global version number to determine if the

device should have a data element transmitted to the device." The general

concept of "comparing the version number to the global version number to

determine if the device should have a data element transmitted to the device" is

well known in the art as taught by Fujiwara. Fujiwara discloses comparing the

version number to the global version number to determine if the device should

have a data element transmitted to the device (Col. 2 lines 55-64). It would have

been obvious to one of ordinary skill in art at the time of the invention to modify

Branson to include "comparing the version number to the global version number

to determine if the device should have a data element transmitted to the device"

in order to update and install new software versions.

Claim 19 is rejected for the same.

Referring to claim 11, Branson discloses all the limitations of claim 11 which is

described above. Branson did not disclose "wherein the comparing operation

determines that the device should have a data element transmitted to the device

if he version number of the device is not equal to the global version number." The

general concept of comparing operation determines that the device should have

a data element transmitted to the device if the version number of the device is

not equal to the global version number" is well known in the art as taught by

Fujiwara. Fujiwara discloses comparing operation determines that the device

should have a data element transmitted to the device if the version number of the

device is not equal to the global version number"(Col. lines 55-64). It would have

been obvious to one of ordinary skill in the art at the time of the invention to

modify Branson to include "comparing operation determines that the device

should have a data element transmitted to the device if the version number of the

device is not equal to the global version number" in order to update and install

new software versions properly.

Claim 20 is rejected for the same.

Referring to claim 13, Branson discloses all the limitations of claim 13 which is

described above. Branson did not disclose the limitation of "resetting the local

version number of the device to be equal to the local version number of the

transmitted data element." The general concept of "resetting the local version

number of the device to be equal to the local version number of the transmitted

data element" is well known in the art as taught by Fujiwara. Fujiwara discloses

the limitation of resetting the local version number of the device to be equal to the

local version number of the transmitted data element" (Col. 10 lines 18-30 and

Col. 10 lines 30 –35). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Branson to include "resetting the local version number of the device to be equal to the local version number of the transmitted data element" in order to update or change the version number.

Claim 22 is rejected for the same.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashley d. Turner whose telephone number is 571-270-1603. The examiner can normally be reached on Monday thru Friday 7:30a.m. - 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2603.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner: Supervisory Patent
Examiner

_____   NATHAN FLYNN   _____
Ashley Turner   SUPERVISORY PATENT EXAMINER   Nathan Flynn

        Date:_____   Date:_____